

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CHARLES COLE, JR., on
his own behalf and
others similarly situated

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07-cv-206(DCB)(JMR)

PENDLETON QUICK LUBE, LLC

DEFENDANT

ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause having come before the Court on the defendant Pendleton Quick Lube, LLC's motion to dismiss (**docket entry 16**) for lack of service of process and lack of sufficiency of process, and the Court having entered an Order on August 5, 2008, requiring the plaintiff to show good cause for his failure to properly serve the defendant within 120 days from the filing of the complaint; the time for filing a response to the Court's Order having now passed, and the plaintiff having been warned that failure to respond will result in dismissal of this action without prejudice; accordingly,

IT IS HEREBY ORDERED that the defendant's motion to dismiss (**docket entry 16**) for lack of service of process and lack of sufficiency of process is GRANTED, and this action is dismissed without prejudice.

SO ORDERED, this the 28th day of August, 2008.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE